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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

NANCY FLORES LESSLER and MARK D.
LESSLER,

Plaintiffs,

vs.

AVI STRUGO,

Defendant.

Case No.: C07-04409

**DEFENDANT AVI STRUGO'S
CONSENT TO PROCEED BEFORE A
UNITED STATES MAGISTRATE
JUDGE**

In accordance with the provisions of Title 28, U.S.C. § 6369(c), the undersigned party hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

DATED: November 13, 2007

BULLIVANT HOUSER BAILEY PC

By 

J. Douglas Durham
Attorneys for Defendant,
AVI STRUGO

4270524.1

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

Nancy Flores Lessler, et al. v. Avi Strugo;
USDC, Northern District, San Francisco Division, Case No. 2:05-C07-04409

I am a citizen of the United States and am employed in Sacramento County, where this mailing occurs. My business address is 1415 L Street, Suite 1000, Sacramento, California 95814. I am over the age of 18 years and not a party to the within cause.

On **November 13, 2007**, following ordinary business practice, I served the foregoing document(s) described as:

- **DEFENDANT AVI STRUGO'S CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE**

in the following manner, by placing a true copy/true copies thereof in a sealed envelope/sealed envelopes, addressed as follows:

Steven B. Stein
The Law Office of Steven B. Stein
In association with:
Thomas E. Fraysse
Samuel J. Bristol
Knox Ricksen LLP
1300 Clay Street, Suite 500
Oakland, CA 94612-1427
Tel: (510) 285-2500
Fax: (510) 285-3505
[Attorneys for Plaintiffs Nancy Flores Lessler and Mark D. Lessler]

____ (BY MAIL) I caused such envelope(s) with First Class postage thereon fully prepaid to be placed in the U.S. Mail in Sacramento, California. I am readily familiar with my employer's normal business practice for collection and processing of correspondence and other material for mailing with the United States Postal Service, and that practice is that said material is deposited with the United States Postal Service the same day as the day of collection in the ordinary course of business.

____ (BY PERSONAL SERVICE) I caused such envelope(s) to be hand-delivered by an authorized attorney messenger service, this date to the offices of the addressee(s).

____ (BY FEDERAL EXPRESS) I caused such envelope(s) to be delivered in a sealed Federal Express package, delivery fees for which are billed to this firm's account, to a Federal Express office for next-morning delivery. I am readily familiar with the business practices of my employer for the collection and processing of correspondence for mailing with Federal Express delivery service.

____ (BY FACSIMILE) I personally transmitted the aforementioned document, via facsimile machine, to each of the above listed parties' FAX numbers between the hours of 9:00 a.m. and 5:00 p.m. on _____ and received verification thereafter of each complete transmission.

24 **XXX** (BY EMAIL – ESERVICE) I caused to be served upon each party either via (1) their above email address; (2) through Lexis-Nexis Serve and File, or (3) through the court's electronic court filing system.

26 **[X]** (FEDERAL) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

27 **EXECUTED** on **November 13, 2007**, at **Sacramento, California.**

28 
MARGIE FRANCIS

PROOF OF SERVICE